



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: July 30, 2015
Applicant: Brixton-Alto Highland, LLC.
Case No.: DRC-15-03
Address: 40 North Fourth Avenue (562-323-13, 38 & 39)
Project Planner: Jeff Steichen

Notice is hereby given that on July 30, 2015, the Zoning Administrator considered Design Review (DRC) application DRC-15-03, filed by Brixton-Alto Highland, LLC ("Applicant"). The Applicant requests Design Review approval to both remodel an existing commercial building and construct additional commercial space. The Project is located at 40 North Fourth Avenue ("Project Site") and is owned by Brixton-Alto Highland, LLC ("Property Owner"). The 9.87 acre Project Site is zoned Central Commercial with Precise Plan Overlay (CCP) Zone and has a General Plan designation of Commercial Retail (CR). The Project is more specifically described as follows:

The Project consists of the renovation of the existing approximately 116,000 square-foot commercial building that includes exterior material changes to the building, new seating and gathering areas, new trash enclosures, and the additional of landscaping and revisions to the parking lot area. Two existing small buildings totaling approximately 9,600 square-feet located on the southern portion of the site will be demolished. The Project also includes the construction of two new buildings totaling approximate 12,000 square-feet near the corner of North Fourth Avenue and C Street. These new buildings will be separated by a small plaza area with planters, enhanced paving and outdoor seating areas. All buildings on-site will incorporate enhanced architectural features such as varying roof heights, awnings, metal canopies, wood veneer storefronts, wood trellises, and new exterior paint and siding throughout.

The entire site will have updated landscaping and irrigation. The total building area of the site will be 127,936 square-feet with 540 parking spaces. Truck docks will be located at the rear and southwest corner of the main building.

In order to accommodate the two new buildings and plaza area, parking spaces are being relocated, and provided elsewhere on the site. Improvements to the site also include adding covered roofs to existing trash enclosures to comply with current City regulations. The amount of parking provided as well as the location, height, and number of proposed entry monument signs are consistent with the provisions of Precise Plan previously approved and adopted by the Chula Vista City Council on July 14, 2009.

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project was

covered by previous adopted MND IS 09-009. Thus, no further environmental review is necessary.

The Zoning Administrator approved said request based upon the following findings of fact:

The proposed development, as conditioned, is consistent with the development regulations of the Title 19 of the CVMC and design regulations contained in the City's Design Manual.

The proposed commercial building renovation along with construction of two smaller commercial buildings are permitted within the CCP (Central Commercial) Zone. The proposed development and accompanying site work is consistent with the regulations of the CCP zone in relation to lot coverage, building height, setbacks, parking, etc (unless modified by the Precise Plan). The Project was processed through an administrative design review permit, pursuant to Section 19.14.582.C of the Chula Vista Municipal Code.

The design features of the proposed development are consistent with, and are a cost effective method of satisfying, the City of Chula Vista Design Manual.

The proposed commercial building renovation, along with construction of two smaller commercial buildings, is consistent with the City's Design Manual. All buildings on-site will incorporate enhanced architectural features such as varying roof heights, awnings, metal canopies, wood veneer storefronts, wood trellises, and new exterior paint and siding throughout. The design features are a cost effective method of satisfying the design guidelines, in that the both the renovation of the existing commercial building as well as the new smaller commercial buildings will utilize the same colors and materials, as opposed to necessitating the more costly application of additional colors and materials due to having distinctive design features.

The Zoning Administrator, under the provisions of Section 19.14.582.G of the CVMC, has conditionally approved the project subject to the following conditions:

The following shall be accomplished to the satisfaction of the City, prior to issuance of building permits, unless otherwise specified.

Planning Division:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the

Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

Date

2. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1509.
3. The colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and materials board approved by the Zoning Administrator on July 30, 2015.
4. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the project shall conform to CVMC Section 9 20.055 regarding graffiti control. The applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Development Services Director.
7. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved to the satisfaction of the Development Services Director, prior to the issuance of the building permit.
8. The Applicant shall develop, submit and obtain approval of "Recycling and Solid Waste Management Plan" by the City's Conservation Coordinator.

9. Prior issuance of Building and/or Grading Permit, the Applicant shall implement to the satisfaction of the Development Services Director and the City Engineer the applicable mitigation measures identified in the Mitigated Negative Declaration (IS-09-009) and associated Mitigation Monitoring and Reporting Program.
10. A separate sign permit shall be required for monument signage shown on Sheet A-7 of the approved design review plans dated July 30, 2015.
11. A separate sign program shall be submitted for review and approval for all signage other than monument signage previously approved as part of DRC-15-03. Said sign program shall require the approval of the Planning Commission.

Fire Department

12. Based upon the required fire flow, a minimum of six (6) fire hydrants are required to serve the project. Please provide three (3) additional fire hydrants per locations specified on Figure 1 of the Dexter Wilson Engineering Analysis prepared for the Project dated April 29, 2015.
13. The buildings shall be addressed in accordance with the following criteria:
 - 0-50 ft. from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51-150 ft. from the building to the face of the curb = 10-inches in height with a 1 ½-inch stroke
 - 151 ft. from the building to the face of the curb = 16-inches in height with a 2-inch stroke
14. The Project shall be protected throughout by an approved fire alarm system and sprinkler system. Any modifications to the fire alarm or sprinkler system, a deferred submittal will be required, and submitted to the Fire Department for approval prior to any modifications.

Public Works, Environmental Division

15. Prior to the approval of the building permit and in accordance with the Recycling and Solid Waste Manual the Applicant shall;
 - a. Adhere to the Recycling and Solid Waste Management Planning Manual as currently found on the City of Chula Vista website
 - b. Develop and submit a "Recycling and Solid Waste Management Plan" to the Environmental Services Manager for review and approval as a part of the permit process.

- c. Indicate locations for additional trash and recycling space, if necessary, to the satisfaction of the City of Chula Vista Environmental Services Manager.
- d. Ensure trash enclosure area(s) shall be covered with a solid roof or awning to avoid contamination of runoff. The site shall be graded in such a way to prevent run-off into, and run-off from, the trash enclosure area. The location of the trash enclosure area(s) shall be shown on the building plans.
- e. Submit a Waste Management Report (WMR) form and the required performance deposit fee:

Land Development Division/Landscape Architecture Division

- 16. Prior to issuance of any building permit, Developer shall pay all engineering fees as determined by the Development Services Department.
- 17. The Applicant shall be required to pay additional deposits or fees in accordance with the City of Chula Vista Subdivision Manual and Master Fee Schedule prior to the submittal of the following items:
 - Grading Plans
 - Street Improvement Plans
 - Construction Permit
- 18. Prior to approval of any improvement plans, the Applicant shall comply with all requirements of the Chula Vista Development Storm Water Manual (Storm Water Manual) for both construction and post-construction phases of the project.
- 19. Applicant shall obtain a Land Development Permit prior to beginning any earthwork activities at the site in accordance with CVMC Title 15.04. Developer shall submit Grading Plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements.
- 20. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.
- 21. Prior to issuance of any building permits, the Applicant shall submit Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit will be required. The Improvement Plan shall include but not be limited to:
 - Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the

satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.

- Additional asphalt paving for the replacement of the existing curb, gutter and sidewalk
- Removal and replacement of existing driveway(s) meeting standards as shown in Chula Vista construction standards
- Installation of two driveway(s) meeting design standards as shown in Chula Vista Standard details.
- Installation of pedestrian ramp at the corner of Fourth Avenue and C Street per Chula Vista Construction Standard CVCS-25.
- Installation of a 100-watt City standard street light per VCS-6,7, 9 & 11 at the project property line along C Street. The City Traffic Engineer shall approve street light location.
- Relocation of existing bus stop which includes a with 10' x 20' concrete slab and bench as shown on approved site plan (Sheet AS-2) dated July 22, 2015.

22. The Public Works Operations Section will need to inspect any existing sewer laterals and connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.

23. Manholes shall be used where 6" mains or larger when connected to public sewer for the proposed sewer facilities

24. Any private facilities (if applicable) within the Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.

25. All utilities serving the proposed shall be underground pursuant to Municipal Code 15.32.

26. Prior to occupancy, construction of driveways shall be retrofitted or built in accordance with CVCS-1A of the City of Chula Vista Construction Standards and checked for sight distance.

27. Prior to occupancy or as directed by the Director of Development Services and the City Engineer. The Applicant shall install an all way stop at Brisbane and the north driveway.


28. Prior to issuance of any building permit, The Applicant shall provide pedestrian access paths from all adjacent streets

29. A lot consolidation plat is required for this project.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-15-03, date stamped approved on July 30, 2015, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
3. This Design Review Permit shall become void and ineffective if not utilized within three (3) year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
4. The Applicant shall implement to the satisfaction of the Development Services Director and the City Engineer the applicable mitigation measures identified in the Mitigated Negative Declaration (IS-09-009) and associated Mitigation Monitoring and Reporting Program.
5. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 30th day of July 2015.



Michael W. Walker
Zoning Administrator